

1893-019
Lee Co.

Chancery Causes: Patrick Hagan & vs. William S. Whiteley, trst. &

Campbell, Holmes, Brown, Cosby, Young, Whiteley

CH-Estate Dispute
T-Property

-Dood
-Correspondence

To the Honorable H. S. K. Morrison, Judge
of the Circuit Court of Lee County

Your Orator Patrick Hagan, and
Your Oratrix, Mary B. Campbell, widow,
and sole devise of John A. Campbell, who
departed this life in the year 1886.

Humblly complaining represents that
the Commonwealth of Virginia granted
by patent dated

17 to Samuel Young 3000. acres
of land, situated in the said County and
which is bounded as follows, to wit,

That the said Patentee died intestate, and
the said land descended to his only child
and heir, Samuel C. Young. That the
said Samuel C. Young, by a deed dated
July 12th 1891, conveyed the said land
to one John. Holmes, of the City of
Philadelphia, that the said Deed was
duly delivered together with the Original
patent to the said John Holmes

That the said John Holmes died intestate
and the said land descended to his

heirs at law. to wit, Jno Holmes, Margaret
Holmes, Seth C Holmes & E. E. Whiteley former
ly Holmes, wife of W. S. Whiteley, That

Hulkerson and others had en-
tered upon the land and claimed the same
under patents adversely to the said Holmes
That in this condition the said heirs of
Jno. Holmes. employed the said Jno. A. Camp-
bell about the year 1859, to institute suit
in Chancery to repeal patents obtained by
adverse Occupants. The said suit after pend-
ing many years was dismissed about
the year

A suit in ejectment
was then instituted against the adverse
Occupants in the Circuit Court of the United
States for the Western District of Virginia
about the year 1871. by the said heirs

This suit was continued from Court to
Court untill the year 1879, when it was
tried and decided in favor of the plaintiffs
An appeal was sought and obtained by
the Defendants to the supreme Court of the
United States and was ^{there} heard and deter-
mined in favor of the plaintiffs in

1886 Your Orator states that the
said Jno. A. Campbell had a contract
with the plaintiff by which he became
entitled to an equal share with each of

the forsaide Heirs in said Land.

The suits in question were viewed as involving very intricate questions both of law and fact, - and the said Jno A. Campbell the Counsel for the said Holmes heirs promised that your Orator have One half of his interest in said land if he would assist in the suits your Orator agreed to do so and did act in concert with him from their institution in the Year 18. untill the final adjudication in the supreme Court of the United States in the City of Washington your Orator states that he regularly attended the U.S. Court at Abingdon during the pendency of said suits therein, untill judgement for the land was obtained - that he went to Gaylesville in Hancock County in the state of Tennessee and took depositions in said causes proving that certain letters had been written by Peter Fulkerson to John Holmes acknowledging the title of said land to be in the Holmes's and thus Negatived the adverse possession set up by those who claimed, and who had possession some 40 or 50 Years under Fulkerson. That he took depositions in other places in regard to matters involved

in the suit. — that the distance from Jonesville to Abingdon is 80 miles and in those days he had to travel from his residence in Jonesville to Abingdon on horse back. during the several years the suits were pending in said U. S. Courts.

He further states. that when the suits were taken by appeal to the City of Washington he went there three times to argue the causes. and he ~~final~~ did argue them with William P. White when they were finally decided and he states that ~~up~~ whilst attending all of these Courts. and whilst taking the depositions referred to. he paid his own Expenses. which amounted in the aggregate to at least \$1000.⁰⁰

Your Orator again states that after the decision of the said suits in the Supreme Courts of United States the said John A. Campbell. borrowed from Your Orator \$1200⁰⁰ and to secure its payment. he executed a deed on the day of
1886 whereby he conveyed inter alia to Daniel Ligg Trustee, all of his interest in said Lands under the Contract aforesaid in trust to secure to your Orator the payment of said sum of money and in this trust deed the said John A.

Campbell admits that your Orator has an equal interest of $\frac{1}{5}$ with himself in said Land. A Transcript of this trust deed will be filed marked "A" which shows that it has been duly recorded in Lee County where the Land is situated. Your Orator and Oratrix further states that the said Jno. Holmes Mrs. Margaret Holmes Seth C. Holmes and Mrs. E. E. Whiteley Wife of W. S. Whiteley, heirs as aforesaid by a Deed executed by them and duly recorded in Lee County, a transcript whereof ^{will be} herewith filed marked "B." Convey the said Land to Wm S Whiteley and Edward C. Holmes in trust to be sold by the trustees and the proceeds to be divided among those entitled. In this Trust deed the

Grantors direct that $\frac{1}{5}$ of the proceeds be paid to your Oratrix as the Widow of the said Jno. A Campbell. or to whomsoever may be entitled to the said Jno A Campbell $\frac{1}{5}$ interest ~~and~~ which is an admission and recognition of the interest to which Jno A Campbell was entitled. Your Orator further states that one John Howard. was purch. for about 700 acres of said Land. for which he obtained patents —

that pending the suit he departed this life and his son Hiram J. Howard was left in possession of the lands so patented to his father - that in the year 1888 the said Hiram J. Howard proposed to sell his interest in these lands and about 100 acres of adjoining lands for the sum of \$1500.⁰⁰ Your Orator considered the price low and purchased them at the said price and paid him therefore. Your Orator states that in making this purchase he intended the the contract ~~so far~~ to be for the benefit of himself Ino. a Campbell's estate and the Holmes heirs to the extent of the Young patent each bearing their pro-rata of costs. And he states that he accordingly made a quit Claim Deed to this effect and to give it validity he inserted One Dollar as the consideration paid but he states that in fact ~~that~~ nothing whatever has been paid to him. He further states that he got possession of said land from said Howard and has turned the same over to the said heirs to the extent of the lines covered by the Young patent. He is now advised that the benefit accruing to said heirs by the purchase from said

Howard, and getting possession thereof and turning the possession thereof over to the said Heirs has benefited, said heirs at least \$1200⁰⁰. The purchase of the Howard claim was in the nature of an incumbrance and the said heirs of the estate of Jno a Campbell and your Orator should bear the costs of the purchase of the encumbrance in proportion to their interests. Hence he is advised that the costs of the purchase of the encumbrance as well as the money which he necessarily expended should be a charge upon said Land.

Your Orator further states that since the execution of ^{the} Trust Deed by said Heirs

Edward C. Holmes, one of the Trustees has departed this life and the surviving Trustee William S. Whiteley, has recently made Sale of said Land to one Alexander Brown of the City of Baltimore at the price of \$30000⁰⁰ Subject to certain abatements for a part of the land heretofore sold by said Trustees and also for Timber sold off the said Land by said Trustee Whiteley.

Your Orator is informed that the purchaser has paid \$12,000⁰⁰ of the purchase money to said Trustee Whiteley as is to pay the remainder when the acreage of the

land is ascertained by survey and the abatements ascertained. Your Orator and Oratrix further state that the said Trustee heretofore sold, about 115 acres of said tract for the price of \$2081.⁰⁰ or thereabouts that the Louisville & Nashville Rail Road Company has paid him for the right of way for said Rail Road through said land about the sum of \$3600⁰⁰ and the amount which the said Trustee has received for timber is unknown to your Orator. Your Orator and Oratrix state that the only sum which the Trustee has paid to them or either of them is the sum of \$627⁰⁰ which they have equally divided and they state that he refuses to pay them or either of them any part of the \$12,008⁰⁰ received by him unless they first execute a deed to said Alexander Brown conveying to him all of their interest in said land without the reservation of any lien for what might be due them and upon the execution of such Deed, he proposes to pay only the sum of \$1500⁰⁰.

Your Orator and Oratrix state that they expressed their willingness to ratify the sale made as aforesaid by said Trustee to Brown upon condition that they were

paid their pro-rata of the proceeds of sale and to this end, they made a tender of a Deed executed by them on the 10th day of September 1892 conveying to said Brown all of their interest in said land but reserving a lien on face of said Deed for payment of the amount which they were equitably entitled to which deed was refused and not accepted Hence under the circumstances of the Case as represented your Orators are forced into equity for relief They are advised that they have an equitable right to an undivided $\frac{1}{5}$ part of the said 3000. acre tract of land and to obtain partition thereof is the object of this bill Their prayer therefore is that William S Whiteley Trustee John Holmes Mrs Margaret Holmes. Seth C. Holmes & Mrs E. E. Whiteley & Alex. Brown be made defendants to this bill also that L. S. Corby administrator, with the will annexed, of Jno A Campbell Decd and the unknown heirs of Samuel Young and Samuel C Young be made defendants to this bill and answer the same but an answer under other oath is specially waived that on a hearing a Commissioner be appointed to ascertain

what sum should be properly chargeable to said Trustee
~~Whiteley~~ and
~~and~~ report what sum should be charged
against said land in favor of your Prator
or in favor of said Trustee. and report
the same to the Court that the said
Land upon a hearing of the Cause be
partitioned as prayed for. or that the
Sale made be ratified and out of the pro-
ceeds of sale such sum first be paid
that are properly chargeable upon said
lands. and the residue be directed to be
paid to the parties interested according to
their rights and grant other and Gener-
al relief may summons issue &c.

Ridmore. p.g.

C 9.57
 Dr 5.00
 \$14.57
 Co \$ 3.50
 \$18.07

Campbell & Hayan
 vs { Bill-ly
 W. S. Whiteley & Co

1892 2nd Octo, Rules Bill filed
 Show not Executed & Order
 Publication against non
 resident defendants
 " 1st Nov. Rules order Pub.
 Completed & O. nisi as
 to non resident Defts.
 " 2nd Nov. Rules O. nisi served
 " 14th Dec. Rules Court
 1893 102 Jan " "
 " 1st Feb " "
 " 2 " " Cause set
 for hearing as to non
 resident Defts by Bill
 " March Term
 Removed to U.S.C.
 at Abingdon
 Va.

IN THE CIRCUIT COURT

OF LEE COUNTY

STATE OF VIRGINIA

-----:
Patrick Hagan and Mary B. Campbell :

Plaintiffs :

vs :

William S. Whiteley, Trustee, et. al. :

Defendants
-----:

PETITION FOR REMOVAL OF THIS CAUSE TO THE UNITED STATES
CIRCUIT COURT FOR THE WESTERN DISTRICT OF VIRGINIA, AT ABING-
DON.

To the Honorable H. S. K. Morrison, Judge of the
Circuit Court of Lee County, State of Virginia.

Your Petitioner William S. Whiteley Trustee, res-
pectfully shows unto your Honor that he is one of the defend-
ants in the above entitled suit and that the matter and
amount in dispute in the said suit exceeds exclusive of in-
terest and costs, the sum or value of Two thousand dollars
(\$2,000.)

Your Petitioner further shows that the said suit is
of a civil nature and that there is in said suit a contro-
versy which is wholly between citizens of different states
and which can be fully determined as between them, towit:- a
controversy between your said Petitioner, together with the
defendants Seth C. Holmes, Mrs. E. E. Whiteley (wife of your
Petitioner) and Alexander Brown and the heirs at law of the
defendants John Holmes and of Mrs. Margaret Holmes, both of
whom were dead prior to the institution of this suit, on the

one hand and the plaintiffs on the other hand, and your Petitioner avers that he together with the said Seth C. Holmes, Mrs. E. E. Whiteley and Alexander Brown now are and were when this suit was instituted, residents and citizens of the State of Maryland and that the heirs of the said John Holmes and of the said Margaret Holmes are all non-residents of the State of Virginia and were at the time of the institution of this suit and still are citizens and residents of other states of the Union and that the said Plaintiffs were at the time of the institution of this suit and still are residents and citizens of the State of Virginia; that the said controversy is of the following nature, namely, a suit for the partition of a tract of land containing Three thousand (3,000.) acres more or less, situate in Lee County, Virginia and that your Petitioner and the said plaintiffs are both actually interested in said controversy.

And your Petitioner offers herewith a bond with good and sufficient security for his entering in said Circuit Court of the United States on the first day of its next session, the copy of the record in this suit and for paying all costs that may be awarded by the said Circuit Court, if said Court shall hold that this suit was wrongfully or improperly removed thereto and he prays this Honorable Court to proceed no further herein except to make the order of removal required by law and to accept the surety and bond and to cause the record herein to be removed into the said Circuit Court of the United States in and for the Western District of Virginia at Abingdon.

And he will ever pray &c.,

White & Buchanan
for Petitioner

William J. Whiteley
Scribe

STATE OF MARYLAND, BALTIMORE CITY, TOWIT:--

I HEREBY CERTIFY, that on this *First*
day of March, 1893, before me the subscriber, a Notary Public
of the State of Maryland, in and for the the City aforesaid,
duly commissioned and qualified, personally appeared William
S. Whiteley, Trustee and made oath in due form of law that
the matters and facts stated in the foregoing petition are
true to the best of his knowledge and belief.

IN TESTIMONY WHEREOF, I have hereto set my hand and
affixed my Notarial Seal the day and year first
above written.

Harry W. Rodgers

Notary Public.

Petition

William S. White, Esq.

and 3 Petition

Campbell & Hagan

Filed in open court

by leave thereof March
6th 1883.

J. S. Hyatt & Co

MARBURY & BOWDOIN,
ATTORNEYS AT LAW,
12 ST. PAUL STREET,
BALTIMORE, MD.

J. V. JOHNSTON & CO., 23 MURRAY STREET, NEW YORK.

LAP-OVER MARGIN.

1 Patrick Hagan and Mary B. Campbell Plffs
2 vs
3 William S. Whiteley Trust et al. Dfts. In
4 The defendant William S. Whiteley Trust
5 having this day entered his appearance at
6 the suit of the plaintiffs, and filed a peti-
7 tion for the removal thereof into the Circuit
8 Court of the United States for the Western
9 District of Virginia, at Abingdon, which
10 petition sets forth that this defendant
11 together with the defendants Seth C. Holmes
12 Mrs E. E. Whiteley and Alexander Brower now are
13 and were when this suit was instituted, residents
14 and citizens of the State of Maryland, and that
15 the heirs of the said John Holmes and of the said
16 Margaret Holmes are all non-residents of the State
17 of Virginia, and were at the time of the institution
18 of this suit and still are citizens and residents
19 of other states of the Union, and ^{that} the plaintiffs
20 were at the institution of this suit and still
21 are residents and citizens of the State of
22 Virginia, and that the matter and amount
23 in dispute in the said suit exclusive of
24 interest and costs, exceeds the sum or value
25 of two thousand dollars. And
26 the said defendant having given good and
27 sufficient security for his entering into such
28 court on the first day of the next term thereof,
29 and filed copies of the process issued against
30 him pursuant to an Act of Congress, entitled
31 "An Act to establish the jurisdiction of the Courts
32 of the United States," the Court accepted

1 the security, and will proceed no further
2 in the same.

Patric H. Ag. an Mary B Campbell.
Order for
Removal.
William S. Whiteley Insd. dtd.

Entered page 432
March 6th 1893
J. A. S. Syatt &c

Enter this
H. S. N. 211
March 6th 1893

This Instrument made this (8th) Eighth day of March in the year one thousand eight hundred and eighty seven between Harriet A. Holmes, Edward C. Holmes, Sophie M. Holmes his wife, Elizabeth Holmes. Annie Holmes, George F. Martin and Helen P. Martin his wife formerly Helen P. Holmes. of the City of Philadelphia in the State of Pennsylvania John Holmes and Annie E. Holmes his wife of Linnworth County in the State of Kansas, Seth C. Holmes, William S. Whiteley and Elizabeth E. Whiteley his wife of the City of Baltimore in the State of Maryland, of the first part, and the said William S. Whiteley and Edward C. Holmes Trustees as hereinafter mentioned of the second part. Witnesseth, That whereof the said Harriet A. Holmes, Edward C. Holmes, Elizabeth Holmes. Annie Holmes, Helen P. Martin, John Holmes, Seth C. Holmes and Elizabeth E. Whiteley are the heirs at law of John Holmes deceased and as such are seized

and possessed of a certain tract
of land Situate in Lee County Virginia
in Powells valley on the waters of Mer-
tins creek, beginning at a poplar
and Crooked hickory corner of Joseph
Martins line, and with a line thereof
North sixty eight degrees East nine
hundred and thirty seven poles to
a black gum and hickory corner
of William Priests land and with
a line thereof North seventy seven
degrees East, Three hundred and
thirty poles to a stake, thence leaving
said line, North five degrees West,
four hundred poles to a white oak
on a hill, South seventy one degrees
West, Thirteen hundred and twenty
poles to two small white oaks, South
fourteen degrees East, four hundred
poles crossing a branch to the
Beginning: containing three thou-
sand acres of land which was
conveyed by the grant of the com-
monwealth of Virginia to Samuel
Young, by Patent dated the seventh
day of May, one thousand seven
hundred and eighty seven and
conveyed by the deed of Samuel C. Young

to the said John Holmes now deceased
dated the twelfth day of July, one-
thousand eight hundred and
nineteen, And whereas the parties
hereto of the first part have agreed
to grant and convey said lands to
the parties hereto of the second
part, In trust for the uses and
purposes hereinafter mentioned.
Now therefore in consideration
of the premises, and of the sum of
one dollar lawful money paid to
them by the parties hereto of the
first part, have granted, bargained
and sold, aliened, enfeoffed and
conveyed, and do hereby grant, bargain
and sell, alien enfeoff and convey
unto the parties hereto of the second
part and the survivor of them and
the heirs and assigns, of the survivor,
all the tract or parcel of land above
described. To have and to hold the
said land unto the parties of the
second part, and the survivor of them
and the heirs and assigns of the
survivor, to their and his proper use
forever, In trust and confidence,
and with full power to sell and
dispose of said land or any part

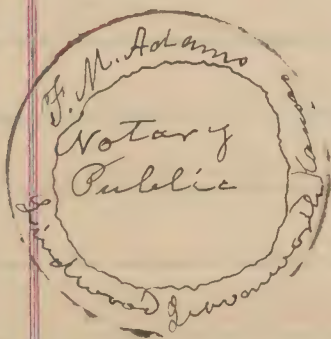
or part thereof, either at public or private sale, and for such price or prices, and on such terms as to them, or the survivor of them may seem proper, and to grant and convey the land so sold to the purchaser or purchasers of without obligation on the part of the purchaser or purchasers to see to the application of the purchase money, and in further trust, to apply, the net proceeds of said sale or sales after deducting all taxes expenses and other necessary charges as follows. one fifth part thereof to the representatives of John A. Campbell deceased, or such person or persons as may be entitled thereto under a contract heretofore made between said heirs of John Holmes deceased and said John A. Campbell in his lifetime for services rendered in connection with litigation concerning said lands. one fifth one fifth part thereof to said Harriett A. Holmes and Edward C. Holmes in equal shares, one fifth thereof to said Elizabeth Holmes.

of John Holmes whose names are signed to the writing above bearing date the 18th day of March in the year one thousand eight hundred and eighty seven, personally appeared before me in the said county and state aforesaid and being examined by me privately and apart from her husband, and having the writing aforesaid fully explained to her she the said Annie E. Holmes acknowledged the said writing to be her act, and declared that she had willingly executed the same and does not wish to retract it. Given under my

hand this 18th day of March A.D. 1887. my commission expires March 23rd 1887.

F. M. Adams

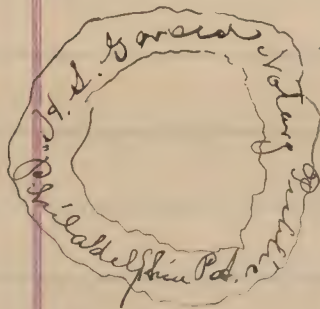
Notary Public.



State of Pennsylvania }
City of Philadelphia }

I, E. H. Barred a Notary Public of the Commonwealth of Pennsylvania in and for the City of Philadelphia do hereby certify that Edward B. Holmes and Sophie M. Holmes his wife whose

names are signed to the writing hereto bearing date the 8th day of March in the year one thousand eight hundred and eighty seven have acknowledged the same before me in the City and State aforesaid, I do also certify that Sophie M. Holmes the wife of Edward B. Holmes whose name is signed to the writing above bearing date on the 8th day of March in the year one thousand eight hundred and eighty seven personally appeared before me in the City and State aforesaid and being examined by me privately and apart from her said husband and having the writing aforesaid fully explained to her she the said Sophie M. Holmes. acknowledged the said writing to be her act and declared that she had willingly executed the same, and did not wish to retract it.

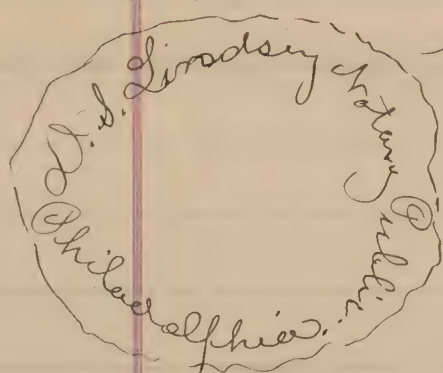


Given under my hand and notarial seal this 9th day of March A.D. 1887.

H. C. Garses a Notary Public
of the Commonwealth of Pennsylvania and for
the City of Philadelphia.

State of Pennsylvania.
County of Philadelphia } ss.

On the 8th day of March A.D. 1887.
before me a Notary Public for State
aforesaid Residing in Philadelphia per-
sonally appeared George F. Martin and
Helen P. his wife whose names are signed
to the above writing bearing date
the 8th day of March 1887 and acknowl-
edged the same in my County aforesaid. I also certify that the said
Helen P. wife of Geo. F. Martin was
examined by me privily and apart
from her husband and having the
writing aforesaid fully explained
to her she the said Helen P. Martin
acknowledged the said writing
to be her act and declared that
she had willingly executed the
same and does not wish to retract
it.



Given under my hand
and Notarial seal the 11th
day of March A.D. 1887.

D. S. Lindsey

Notary Public

Virginia Lee County Court Clerk's office
the 31st day of March 1887. The foregoing deed of Trust bearing date the 8th

day of March 1897, between Harriet A. Holmes
Edward L. Holmes, Sophie M. Holmes his wife
Elizabeth Holmes, Annie Holmes, George
F. Martin and Helen P. Martin his wife
of the City of Philadelphia in the
State of Pennsylvania, John Holmes
and Annie E. Holmes, his wife of
Leavenworth County Kansas Seth
L. Holmes, William S. Whiteley and
Elizabeth E. Whiteley his wife of the
City of Baltimore in the State of
Maryland of the first part, and
William S. Whiteley and Edward L. Holmes
Trustees of the second part, was
this day filed in this office and
admitted to record upon the fore-
going certificates.

Teste John R. Gibson Clerk.

Virginia Lee County to wit:

I, John R. Gibson Clerk of Lee
County Court in the State aforesaid
do certify that the foregoing is
a true transcript from the re-
cords in my office.

Given under my hands this the
31st day of March 1893.

John R. Gibson Clerk.

Annie Holmes, Helen O. Martin and John Holmes in equal portions, one fifth part thereof to Seth C. Holmes and one fifth thereof to Elizabeth E. Whitely above named, and until such sale to hold said land in trust for the persons above named or mentioned to whom said net proceeds of sale are to be paid in the proportions above mentioned in reference to said proceeds.

On witness whereof the parties hereto of the first part, have herunto subscribed their names and affixed their seals on the day and year first herein written.

List. Harriet A. Holmes Seth C. Holmes Harriet A. Holmes Seal

William S. Whitely & Elizabeth E. Whitely Edward C. Holmes Seal

Whitely. Mary Hanson. Sophie M. Holmes Seal

Witness Susan M. Hanson. Elizabeth Holmes Seal

at F. M. Charles B. Engle Annie Holmes Seal

H. P. M. J. S. Lindsay George F. Martin Seal

Le. E. Simpson Helen O. Martin Seal

As To John Holmes John Holmes Seal

Annie S. Holmes Annie C. Holmes Seal

F. M. Adams witness Seth C. Holmes Seal

William S. Whitely Seal

Elizabeth E. Whitely Seal

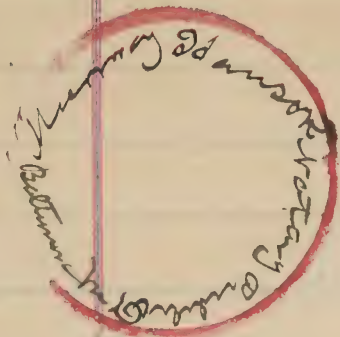
State of Maryland City of Baltimore to wit;

I, Mury Hanson a Notary Public for the City of Baltimore in the State of Maryland do hereby certify that Harriet A. Holmes, William S. Whiteley, and Elizabeth E. Whiteley his wife & Seth C. Holmes whose names are signed to the writing above bearing date on the eighth day of March in the year one thousand eight hundred and eighty seven personally appeared before me in the City and State aforesaid and acknowledged the same before me in said City and State. I do also certify that Elizabeth E. Whiteley the wife of William S. Whiteley whose names are signed to the writing above bearing date on the eighth day of March in the year one thousand eight hundred and eighty seven personally appeared before me in the City and State aforesaid and being examined by me privately and apart from her husband and having the writing aforesaid fully explained to her, she, the said Elizabeth E. Whiteley

acknowledged the said writing to be
her act and declared that she had
willingly executed the same and
does not wish to retract it.

Given under my hand and
notarial seal this eighth
day of March A.D. 1887.

Murray Hanson
Notar Public



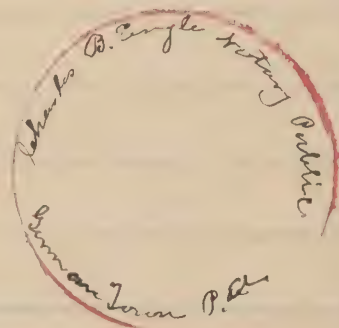
State of Pennsylvania City of Philadelphia to wit
I, Charles B. Engle Notary Public for the
City of Philadelphia in the State of
Pennsylvania do hereby certify that
Edward C. Holmes, Sophie M. Holmes his
wife, Annie Holmes and Elizabeth Holmes
whose names are signed to the writing
above bearing date on the Eleventh
day of March in the year one thousand
eight hundred and eighty seven have
acknowledged the same before me
in my City & State aforesaid, I do also
certify that Sophie M. Holmes The wife
of Edward C. Holmes whose name is
signed to the writing above bearing
date on the eighth day of March in
the year one thousand eight hun
dred and eighty seven personally
appeared before me in the city and State

aforesaid, and being examined by me
privily and apart from her said husband,
and having the writing aforesaid fully
explained to her, she, the Sophie M.
Holmes acknowledged the said
writing to be her act, and de-
clared that she had willingly
executed the same and and
did not wish to retract it.

Given under my hand this 11th
day of March A.D. 1887.

Witness on hand and official
the day and year above mentioned

Charles B. Engle
Notary Public



State of Kansas, Leavenworth County: I, J. F. M. Adams a Notary Public in
Leavenworth County in the State of
Kansas, do hereby certify that John Holmes
and Annie E. Holmes his wife whose
names are signed to the writing above
bearing date the 8th day of March in
the year one thousand eight hundred
and eighty seven, have acknowledged
the same before me in my county
and State aforesaid, I do also
certify that Annie E. Holmes the wife

W. S. Whiteley et al
Trans Copy of Trust Deed

Harriet A. Holmes et al

Deed Book No 22

Page 174 &c

Filed March 31 1893
J. H. Syatt

Fee 2.00

This Deed made this 2nd day of Aprile
1886. between John A. Campbell and
Mary his wife of the one part. and Daniel
F. Trigg Trustee of the other part all
of Washington County Virginia.
Witnesseth, That whereas the said
John A. Campbell is indebted to
Patrick Hagan of Scott County Vir-
ginia in the sum of twelve hun-
dred dollars which is evidenced
by note of this date, And whereas
the said John A. Campbell and
Patrick Hagan are entitled to an
undivided one fifth part of a cer-
tain 3000 acre tract of lands situa-
ted in Lee County in said State
being the same tract of land
which was patented to Samuel
Young and conveyed by his son
Samuel L. Young to John Holmes
the said undivided fifth part
of said land is the fee to which
the said James A. Campbell & Patrick
Hagan, are entitled as counsel for
the heirs of said John Holmes
in suits brought for the recov-
ery of said land against
adverse occupants, and whereas

the said John A. Campbell owns
a house and lot situated in the
Town of Alexandria - Va and is the
same which is now occupied
by him and the said John A.
Campbell and Mary his wife
being desirous to secure to the
said Patrick Hagan the payment
of said sum of money with its
accruing interest doth in con-
sideration thereof and one dollar
grant and convey unto the said
David F. Trigg of their interest
in said lands, and premises
In trust nevertheless to secure
to the said Hagan the payment
of said sum of money and if
the said John A. Campbell shall
fail to pay to the said Hagan
the said sum of money by the
1st day of January 1888, then the
said D. F. Trigg Trustee is
hereby empowered ^{first} to sell the
interest of the said John A.
Campbell in the Lands in Lee
County Va. and if this should
prove insufficient to pay said
debt then the house and lot

in Abingdon shall be sold provided the rents & profits thereof should not be sufficient to pay the said debt within five years, and whatever may remain out of the proceeds of sale of said property after satisfying said debt shall be paid to the said John A. Campbell. Witness the following Signatures & Seals.

John A. Campbell seal
Mary B. Campbell seal

State of Virginia }
County of Washington } to wit:

I L. T. Bosley Notary Public in and for the county and state aforesaid hereby certify that John A. Campbell whose name is signed to the foregoing writing bearing date the 2nd day of April 1886. has acknowledged the same before me in my county aforesaid and I further certify that Mary B. Campbell the wife of John A. Campbell whose names are signed to the foregoing writing bearing date on the 2nd day of April 1886.

personally appeared before me and
being by me examined privily &
apart from her said husband and
having the writing aforesaid fully
explained to her, she the said Mary
B. Campbell acknowledged said
writing to be her act and
declared she had willingly ex-
ecuted the same and does not
wish to retract it. Given under
my hand this 2nd day of April 1886.

L. T. Bosby. N.P.

Virginia Lee county court clerks
office April 3rd 1886. The foregoing
deed bearing date 2nd of April 1886.
between John A. Campbell & wife
of the one part and Daniel T. Trigg
Trustee of the other part, all of ~~which~~
Washington County Virginia. was
admitted to record upon the certif-
icate of L. T. Bosby a Notary Public
for Washington County Virginia.

Teste John R. Gibson Clerk
Virginia Lee County to wit:

I, John R. Gibson - Clerk of Lee County
do certify that the foregoing is a true
transcript from the records in my office
Given under my hand, March 30th 1893
John R. Gibson Clerk.

Sam. F. Briggs
From Copy of D. T.

Geo. A. Campbell Esq
Revered Deed Book
No 21 P. 522 &c

Filed March 31st / 893
J. A. Syattic

"A"

KNOW ALL MEN BY THESE PRESENTS:-

That I, William S. Whiteley the principal, and *Henry J. Morgan* as surety, are held and firmly bound unto Patrick Hagan and Mary B. Campbell, in the penal sum of Two hundred dollars (\$200.) for the payment whereof well and truly to be made unto the said Patrick Hagan and Mary B. Campbell, their heirs and assigns, we bind ourselves, our heirs, representatives and assigns, jointly and several, firmly by these presents.


Yet upon these conditions, that the said William S. Whiteley having petitioned the Circuit Court of Lee County, State of Virginia, for the removal of a certain cause therein pending wherein Patrick Hagan and Mary B. Campbell are plaintiffs and the said William S. Whiteley and others are defendants, to the Circuit Court of the United States, in and for the Western District of Virginia, at Abingdon;

NOW if the said William S. Whiteley your petitioner shall enter into the said Circuit Court of the United States on the first day of its next session a copy of the record in said suit and shall well and truly pay all costs that may be awarded by said Circuit Court of the United States, if said Court shall hold that said suit was wrongfully or improperly removed thereto, then this obligation to be void, otherwise to remain in full force and virtue

Witness our hands and seals the *4th* day of March 1893.

William S. Whiteley (Seal)
By B.H. Sewell his attorney
in fact.
Henry J. Morgan (Seal)

William S. Whiteley Trustee

ads  Bond

Samuel F. Hazard

Filed March 6th 1893

J. A. H. H. H.

MARBURY & BOWDOIN,
ATTORNEYS AT LAW,
12 ST. PAUL STREET,
BALTIMORE, MD.

KNOW ALL MEN BY THESE PRESENTS:-

That, I, William S.

Whiteley of the City of Baltimore and State of Maryland, do hereby constitute and appoint B. H. Sewell of the County of Lee and State of Virginia as my true and lawful attorney in fact, for me and in my name to sign and acknowledge a bond as principal for the removal of the Chancery cause of Patrick Hagan and Mary B. Campbell against myself trustee and others now pending in the Circuit Court of said County of Lee and State of Virginia to the Circuit Court of the United States for the Western District of Virginia at Abingdon in the penal sum of Two hundred dollars (\$200.) and conditioned as the Statute of the United States in such cases provides for the removal of causes, with such surety upon said bond as my said attorney in fact may secure to sign and acknowledge said bond as surety.

And I hereby ratify and confirm all that my said Attorney in fact may do in the premises as fully as if I myself had signed and acknowledged the said bond.

Witness my hand and seal this *First* day of March

1893.

Test.

Harry W. Rodgers

William S. Whiteley

(Seal)

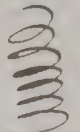
STATE OF MARYLAND, BALTIMORE CITY, TOWIT:--

I hereby certify that on this First day of March 1893 before me the subscriber, a Notary Public of the State of Maryland, in and for the City aforesaid, personally appeared William S. Whiteley and acknowledged the foregoing power of attorney to be his act and deed.

In testimony whereof, I have hereunto set my hand and affixed my Notarial Seal the day & year above written.

Harry W. Rodgers
Notary Public

Mr. S. Whitley Trustee of

ad^r  Power of
Attorney
Patrick Hagan et al

Filed March 6th 1893
J. S. Hagan et al.

Lehigh
Scott Co Va.
Oct 27/92

Mr. A. G. Hyatt Esq
Jonesville Va.

Dear Sir

Yours

Communication has been duly recd.
And contents noted - It was not
recd by me at Abingdon - it has
been forwarded at this place, It is
now too late for me to make the change for a
Monday & make the change for a
week day in Nov. or Dec. as we can
not have the suit ready for the coming
Court - Please look at the deed of trust
of Holmer to Whiteley and see who
are named as the owners of the land.
I want to make these defendants.
on say to Mr. B. H. Sowell that I request
him to give you the names of the

parties in interest at present. Some
of them are dead. The Geo. Huston with
Whiteley is dead. I want all interested
parties made defts - Send me the
original with copies for them, and
I will have them served personally.
And oblige

Yrs truly

Patrick Hagan

After five days return to
PATRICK HAGAN,
CLINCH, SCOTT COUNTY, VA.



Mr. L. H. Myate Esq
Circuit Court
Jonesville
Lee Co Va.



Virginia
In the Clerk's Office of the Circuit Court of the County of
Lee on the *11th* day of *October* 18*92*

Campbell & O'agan Plaintiff,
against

Duboy

Wm. S. Whitely Trustee et al Defendant

This day *D. C. Seemell* personally appeared
before me, *J. A. Hyatt* Clerk of the said Court,

and being duly sworn, made oath that *Wm. S. Whitely Trustee, John Holmes*
Mrs. Margaret Holmes, Seth C. Holmes, Mrs E. E. Whitely & Alex. Brown
defendants in the said suit are not residents of the State of Virginia, and that the heirs,
the heirs of Samuel Young & Samuel C. Young
are unknown to him, and as he is
James and John are also now residents.

Given under my hand as Clerk of the said Court, this *11th* day of *October*

18*92*

J. A. Hyatt C C

2

FORM No. 302.

Campbell & Co.

US. { AFFIDAVIT FOR ORDER
OF
PUBLICATION.

Wm S. Wiley & Co.
et al

A. C. Sidman p. q.

Filed Oct 11 1892
J. C. S. S. S. S.

In the Clerk's Office of the Circuit Court of the County of
Lee on the *11th* day of *October* 18*92*.

Campbell and Lacy Plaintiff
against
Dubey

Jm. S. Whitely Trustee et al Defendant

The object of this suit is to have partition of the lands
in the Bill mentioned, and division of the
fund arising from the sale of certain
part of said lands heretofore made.

And an affidavit having been made and filed that the defendant
*Jm. S. Whitely Trustee, John
Holmes, Mrs. Margaret Holmes, Seth C. Holmes, Wm. E. Holmes,
Wm. Brown & the unknown heirs of Samuel Young & Sammie L. Young*
are not residents of the State of Virginia, it is ordered that they do appear here, within
after due publication hereof, and do what may be necessary to protect their interest in this suit. And
it is further ordered that a copy hereof be published once a week for four weeks in the *Lee County
Republican*, and that a copy be posted at the front door of the court-house of this
on the first day of the next term of the *County* Court.

A copy—Teste:

A. L. Poidenard p. q.

J. H. Hyatt Clerk.

Campbell & Hagan

vs. }

ORDER OF
PUBLICATION.

W. S. Whiteley Trustee &c
I certify that I
posted an office
copy of this order
on the Court house
door on first day
October County Court
and delivered a
like copy thereof
to Lee C. Republican
for Pub. on the
Friday Oct. 1872.
J. A. Hyatt

The Commonwealth of Virginia.

To The Sheriff Of Lee County Greeting:

We Command You to Summon

~~John Holmes~~ ~~John S. Whitely~~ ~~Truster~~
~~John Holmes~~ ~~Mrs. Margaret Holmes~~
~~Leah C. Holmes~~ ~~Mrs. E. C. Whitely~~
~~Wm. Brown~~ ~~Wm. S. Cosby~~
with the will married of John A.
Campbell dec'd, and the unknown
Heirs of Samuel Young and
Samuel C. Young

To appear at the Clerk's Office of the Circuit Court of Lee County, at the Courthouse on the first Monday
in October next, being rule day to answer a bill in Chancery exhibited in our said Court

against

by

them Patrick Wagon
and Mary B. Campbell

And have then and there this writ. Witness, J. A. G. Hyatt, Clerk of said Court at the Courthouse.
This 11th day of October 1892, in the 117 year of the Commonwealth.

A Copy Teste

J. A. G. Hyatt Clerk.

LD

Campbell & Haynes

vs 3 Spruce

vs 3 Chaney

Wm S. Whitely et al

Do 20 October 1892

Not executed the
Defendants not
being found in
my bailwick

Octo 24 1892.

Le E. Flanagan
S. L. L.

The Commonwealth of Virginia.

To The Sheriff of Lee County Greeting:

WE COMMAND YOU TO SUMMON.

Wm S. Whittier Justice, John
Dolmes Mrs. Margaret Dolmes Sette
C. S. Dolmes Mrs. E. E. Philley Alex. Brown
E. T. Leachy Administrator with the will
annexed of John T. Campbell and the
next-of-kin heirs of Samuel Harris
and Samuel C. Johnson

to appear at the Clerk's office of the Circuit Court of Lee County, at the Court House, on the ~~first~~ ^{third} Monday in

October 1892, being rule day to answer a bill in Chancery exhibited in our said Court against

them ... by *Patrick Hagan*
and Mary B. Campbell

And have then and there this writ. Witness, J. A. G. Hyatt, Clerk of said Court at the Courthouse.

This *11th* day of *October* 18*92*, in the 11^{*7*} year of the Commonwealth.

A Copy Teste

J. A. G. Hyatt Clerk.
J. A. G. Hyatt Clerk.

from

L. E. Cosby
Attorney

Mr. Sheriff I
suppose Mrs
Campbell of
your County
will say yes -
Oyster

The Commonwealth of Virginia.

To The Sheriff of Lee County Greeting:

WE COMMAND YOU TO SUMMON

Wm S. Whiteley Trustee John Holmes
Mrs. Margaret Holmes, Beth. C. Holmes &
Mrs. E. E. Whiteley, Alex. Brown

L. S. Leasby Administrator with the will
annexed of John C. Campbell decd. and
the heirs of Samuel Young
and Samuel E. Young

to appear at the Clerk's office of the Circuit Court of Lee County, at the Court House, on the ^{third} ~~first~~ Monday in
October 1892 next, being rule day to answer a bill in Chancery exhibited in our said Court against
..... *them* by *Patrick Hagan*
and Mary W. Campbell

And have then and there this writ. Witness, J. A. G. Hyatt, Clerk of said Court at the Courthouse.

This..... *11th* day of..... *October 22*..... 18....., in the 11 *7* year of the Commonwealth.

J. A. G. Hyatt..... Clerk.

A Copy Teste..... Clerk.

LOP
Campbell & Hagan

3 Spavin

vs 3 Chay

Wm. Whitley Trustee
et al

To 2^d Oct. 1892

No. 10

Rev. J. A. Anderson & Co

In the clerk's office of the circuit court
of the county of Lee on the 11th day of
October 1892.

Campbell and Hagan, Plaintiffs.

vs.

Wm. S. Whiteley trustee &c. et al Defts.
In Chancery.

The object of this suit is to have partition of the lands in the Bill mentioned, and have a division of the fund arising from the sale of certain portions of said lands heretofore made, among those entitled thereto. And an affidavit having been made and filed that the defendants, Wm. S. Whiteley, trustee &c., John Holmes, Mrs. Margeret Holmes, Seth C. Holmes, Mrs. E. E. Whitley, Alex. Brown, and the unknown heirs of Samuel Young and Samuel C. Young, are not residents of the State of Virginia, is ordered that they do appear here, within fifteen days after due publication and do what may be necessary to protect their interest in this suit. And it is further ordered that a copy hereof be published once a week for four weeks in the Lee County Republican, and that a copy be posted at the front door of the courthouse of this county on the first day of the next term of the county court.

A copy—Teste:

J. A. G. Hyatt, Clerk.

A. L. Pridemore, p. q.

oct 13-4t

VIRGINIA, Lee County, To wit: I

Geo. C. Coleman, editor and publisher

of the LEE COUNTY REPUBLICAN, a news-

paper, printed in the town of Jonesville.

in the county of Lee, Virginia, do here-

by certify that the foregoing order of

publication was duly published in said

paper for four successive weeks, from

and after the 12 day of Oct.....

1892 Ending on the 13 day of Nov.....

..... 1892

Geo. C. Coleman,

Editor and Publisher.

Printers fee 5.00

Campbell & Hagan

Printers

vis 3 certificate

Wm S. Whitley Trustee

Drs Fee \$5.00

In the clerk's office of the circuit court
of the county of Lee on the 11th day of
October 1892.

Campbell and Hagan, Plaintiffs.

vs.

Wm. S. Whiteley trustee &c. et al Defts.
In Chancery.

The object of this suit is to have partition of the lands in the Bill mentioned, and have a division of the fund arising from the sale of certain portions of said lands heretofore made, among those entitled thereto. And an affidavit having been made and filed that the defendants, Wm. S. Whiteley, trustee &c., John Holmes, Mrs. Margeret Holmes, Seth C. Holmes, Mrs. E. E. Whitley, Alex. Brown, and the unknown heirs of Samuel Young and Samuel C. Young, are not residents of the State of Virginia, is ordered that they do appear here, within fifteen days after due publication and do what may be necessary to protect their interest in this suit. And it is further ordered that a copy hereof be published once a week for four weeks in the Lee County Republican, and that a copy be posted at the front door of the courthouse of this county on the first day of the next term of the county court.

A copy—Teste:

J. A. G. Hyatt, Clerk.

A L. Pridemore, p. q.

oct 13-4t

Printer's fee \$5.00

VIRGINIA, Lee County, To wit: I

Geo. C. Coleman, editor and publisher

of the LEE COUNTY REPUBLICAN, a news-

paper, printed in the town of Jonesville.

in the county of Lee, Virginia, do here-

by certify that the foregoing order of

publication was duly published in said

paper for four successive weeks, from

and after the 3 day of Nov - oct

1892 Ending on the 10 day of Nov

ember 1892

Geo. C. Coleman,

Editor and Publisher.